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**HARBOR FREIGHT TOOLS, USA, INC.**

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

RANDY BENSON	)	CASE NO. 2:21-cv-01091-JAD-VCF
	)	
Plaintiff,	)	<b>JOINT STIPULATION TO</b>
	)	<b>EXTEND TIME TO TAKE</b>
vs.	)	<b>DISCOVERY AND <del>PROPOSED</del></b>
	)	<b>AMENDED JOINT DISCOVERY</b>
HARBOR FREIGHT TOOLS USA, INC., a Foreign	)	<b>PLAN AND SCHEDULING</b>
Corporation; et al.	)	<b>ORDER</b>
	)	
Defendant.	)	<b>(FIFTH REQUEST)</b>

Defendant HARBOR FREIGHT TOOLS, USA, INC. and Plaintiff RANDY BENSON,  
by and through their undersigned counsel, hereby stipulate as follows:

1. On July 6, 2021, the parties participated in a Rule 26 Conference, and on July 12, 2021, the Court entered the parties' Joint Discovery Plan and Scheduling Order, establishing a discovery period of nine (9) months commencing from the date of the Rule 26 Conference.

2. In the Joint Discovery Plan and Scheduling Order, the parties agreed that this litigation requires a longer discovery time.

3. After the Rule 26 Conference, Plaintiff's counsel learned that Plaintiff had been incarcerated and would not be released until February 2022. Plaintiff's incarceration impeded

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the parties' ability to conduct discovery until his recent release. As such, this Court granted the parties' first and second Joint Stipulated Amended Discovery Plan and Scheduling Order.

4. Since that time, the Parties have exchanged written discovery requests requiring the search for and potential production of voluminous materials. The parties engaged in good faith negotiations related to the scope of the search which further delayed discovery. Further, the parties' schedules and their attorneys' trial schedules caused delays in scheduling party depositions.

5. As such, Plaintiff and Defendant conferred and agreed to extend all deadlines contained in the Joint Discovery Plan and Scheduling Order by forty-five (45) days as follows:

- a. **Discovery Cut-Off Date:** Forty-five days from January 3, 2023 is **February 17, 2023**.
- b. **Amending the Pleadings and Adding Parties:** The parties do not anticipate moving to amend the pleadings and, as such, do not request an extension of this deadline.
- c. **Rule 26(a)(1) Initial Disclosures:** The parties have already exchanged their respective initial disclosures.
- d. **Rule 26(a)(2) Disclosures (Experts):** The parties have already exchanged disclosures concerning experts on **November 4, 2022**. Disclosure of rebuttal experts shall be made by **January 19, 2023**, which is forty-five (45) days after the current date set for rebuttal expert disclosures.
- e. **Dispositive Motions:** The date for filing dispositive motions shall be no later than **March 20, 2023**, which is 31 days after the discovery cut-off date (30 days falls on a Sunday).
- f. **Pretrial Order:** The date for filing the joint pretrial order shall not be later than **April 19, 2023**, thirty (30) days after the date set for filing dispositive motions. In the event that dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until thirty (30) days after decision on the dispositive

1 motions or until further order of the Court. The parties shall include the  
2 disclosures required pursuant to Rule 26(a)(3), and any objection thereto, with the  
3 pretrial order.

4 5. This is the fifth stipulation for an extension of time relating to the Joint Discovery.  
5 Plan and Scheduling Order.

6 DATED this 2nd day of December 2023

DATED this 2nd day of December 2023

7 **GORDON REES SCULLY**  
8 **MANSUKHANI, LLP**

**CLEAR COUNSEL LAW GROUP**

9 /s/ Daniel A. Mann

/s/ Scott Flinders

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*Attorney for Plaintiff*

17 **HARBOR FREIGHT TOOLS, USA, INC.**

**RANDY BENSON**

18 **ORDER**

19 **IT IS SO ORDERED**

20   
**UNITED STATES MAGISTRATE JUDGE**

21 12-5-2022

22 **DATED:** \_\_\_\_\_

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